


DEPUTY DIRECTOR REQUEST FOR APPROVAL

To: Mark De Bie, Acting Deputy Director
Compliance and Enforcement Division

From: 
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Reviewed By: Steve Levine, Legal Office

Prepared On: August 25, 2011

Subject: **APPROVAL OF THE TIGER CREEK AND VOLCANO DISPOSAL SITES, AMADOR COUNTY, SOLID WASTE DISPOSAL AND CODISPOSAL SITE CLEANUP PROGRAM (SOLID WASTE DISPOSAL TRUST FUND, FY 2011/12)**

REQUESTED ACTION:

Department of Resources Recycling and Recovery (Department) staff have completed an evaluation and recommend approval of the Department-managed cleanup of the Tiger Creek and Volcano Disposal Sites pursuant to the Solid Waste Disposal and Codisposal Site Cleanup Program (Program).

Time Factor: Decision required no later than August 31, 2011.

Options: The Program Manager may decide to:

1. Approve the proposed project;
2. Disapprove the project; or
3. Direct staff to provide additional information and bring the project back for future consideration.

Recommendation: Staff recommend Option 1.

PROJECT SCOPE:

Site Location/Description: The 21 separate sites are located on Bureau of Land Management (BLM) lands adjacent to the Tiger Creek reservoir and just outside of the town of Volcano in Amador County. Waste materials consisting of household garbage, auto and trailer bodies, and miscellaneous debris have been illegally dumped along an access road to the Tiger Creek reservoir and along Rams Horn Grade Road outside of Volcano. Total waste volume to be removed is estimated to be approximately 120 cubic yards.

The BLM is undertaking this illegal disposal site cleanup project to protect the Tiger Creek Reservoir and the Mokelumne River drainage shed. Their project funding was unexpectedly reduced, and the BLM approached CalRecycle with a request for project assistance. CalRecycle will participate in the project by providing rented equipment and an operator, paying for disposal costs, and remediating one of the illegal disposal sites.

Proposed Remediation Project: The BLM's contractor will remove the illegally dumped solid waste, with the assistance of a CalRecycle contract operator, backhoe, and trailer. CalRecycle will pay for disposal costs. Metal debris, appliances, and tires will be separated and hauled to appropriate recycling facilities. To deter future dumping, access to the dumping areas will be restricted by berming and/or installing an access gate at the entrance to the dumping areas.

FISCAL IMPACTS:

Cost Estimate: The Department-managed portion of the project will be performed on a time-and-materials basis under the Program's Northern California remediation contract number DRR10008. The BLM's contractor has conducted a site visit with Program staff and developed a preliminary cost estimate of \$40,000, which includes a 10 percent contingency. The overall costs of the project are estimated at \$120,000, most of which will be incurred by BLM through their contractor. Actual costs may vary depending on a variety of factors including, but not limited to the quantities and/or types of materials encountered, market forces, the required timeframes for cleanup, and competitive bids from subcontractors.

Funding: Funding for the project will be derived from previously encumbered funds from the Solid Waste Disposal Trust Fund in the Program's Northern California remediation contract number DRR10008. The contract currently has \$1,255,100 in available funds from the Solid Waste Disposal Trust Fund and is adequately funded to complete this project.

Cost Recovery: Public Resources Code Section 48023 directs the Department to seek reimbursement for monies expended under the Program to the extent possible. To address cost recovery for Department-managed projects on BLM lands, the BLM and the Department are

developing a comprehensive written agreement to share costs, using the USFS Master Participating Agreement as a model, in which CalRecycle contributes up to a matching 50% of the costs with the remainder reimbursed by the USFS . This project is being performed in advance of such an agreement, so the two agencies are proposing an interim agreement to split expenses as described above for this one specific project under a cost sharing arrangement and other terms and conditions substantially similar to the USFS Master Participating Agreement. Participation in this project will help establish a good working relationship between CalRecycle and the BLM for future projects through an agreement. Project management and most of the remediation contractor services will be paid by the BLM directly. CalRecycle will pay for its share of the remediation costs through the Solid Waste Disposal Trust Fund.

BACKGROUND:

Program Eligibility: The Program addresses cleanup of solid waste disposal and codisposal sites where the responsible party either cannot be identified or is unable or unwilling to pay for a timely remediation and where cleanup is needed to protect public health and safety or the environment. Cleanup projects are implemented through Department-managed contracts, grants, and loans. Staff uses adopted regulations and policies in determining site eligibility. Unless otherwise noted, actions proposed for this project are specifically eligible pursuant to the regulations.

Site Prioritization: The site is rated as an environment priority of A2. Priority A2 is a suspected condition of pollution or nuisance from solid waste based on comparison with state minimum standards with significant residential, industrial, park, recreation, or environmentally sensitive areas within one mile of the site. In addition, other factors used in making the site a priority for the Program include the ability of the Department to remediate the site with available funds, and the amount of in-kind services and funds from the BLM.

National Environmental Policy Act (NEPA): The BLM, as the lead agency, completed the environmental review for this project through document number CA-180-11-15 on July 28, 2011. The document is on file with the BLM Mother Lode regional field office.

Support: Cleanup assistance was requested from the BLM, who is working cooperatively with the LEA.

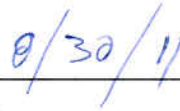
Opposition: Staff has not received any written opposition at the time this document was submitted for approval.

FINDINGS:

On the basis of the information and analysis in this Request for Action, the Department hereby approves this project under the Solid Waste Disposal and Codisposal Site Cleanup Program.



Mark De Bie
Acting Program Director
Waste Compliance and Mitigation Program



Date